

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
007432.00001

First named inventor: Axel NICKEL

Application No.: 10/538,651

Art Unit: 1791

Filed: November 30, 2005

Examiner: Maria Veronica Ewald

Title: MELT BLOW HEAD

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,620.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in the form of Notice of Appeal, Appeal Fee and Amendment After Final OA (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/David R. Gerk/

Signature

December 4, 2008

Date

David R. Gerk

Typed or printed name

56,901

Registration Number, if applicable

1100 13th Street, Suite 1200

Address

(202) 824-3128

Telephone Number

Washington, DC 20005

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Docket Log Sheet**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                            |   |                                    |
|----------------------------|---|------------------------------------|
| In re Application of:      | : |                                    |
|                            | : |                                    |
| Axel NICKEL et al.         | : | <b>CONFIRMATION NO: 3725</b>       |
|                            | : |                                    |
| Application No. 10/538,651 | : | Group Art Unit: 1791               |
|                            | : |                                    |
| Filed: November 30, 2005   | : | Examiner: Maria Veronica EWALD     |
|                            | : |                                    |
| For: MELT BLOW HEAD        | : | Atty Docket: 007432.00001(updated) |

**PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b)**

Attn: Office of Petitions  
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.137(b), Applicants hereby petition to revive the above referenced application which was unintentionally abandoned for failure to respond to a final Office Action with a mail date of May 29, 2008. In compliance with 37 C.F.R. §1.137(c) and MPEP §711.03(c), Applicants concurrently file herewith a Notice of Appeal and appeal fee. Applicants also concurrently file herewith an Amendment.

Applicants' undersigned representative hereby states that the entire delay in submitting a reply to the Final Office action from the due date of November 29, 2008 until the filing of this petition was unintentional. The Response was not in our office Docketing System. (See attached interoffice Docket Log Sheet).

In view of the foregoing, Applicants believe that revival under §1.137(b) is appropriate. The Patent Office is hereby authorized to charge the petition fee under 37 C.F.R. §1.17(m) and any other requisite fees to our Deposit Account no. 19-0733. Should there be any further questions, please feel free to contact the undersigned at (202) 824-3000.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: /04 December 2008/

By: /David R. Gerk/  
 David R. Gerk  
 Registration No. 56,901

CUSTOMER NO.: 22907

RSK DGM DES -- 016089.02295\IN -- Priority Documents due  
LAK LAK TMC -- 507734.00043\MX -- TM Use Deadline (non-cyclic)  
LAK LAK TMC -- 507734.00045\MX -- TM Use Deadline (non-cyclic)

FINAL DEADLINES FOR 11/29/2008

RAD JMF KFS -- 003921.00135\US -- FINAL 3 month Office Action-Last Day  
RAD JMF KFS -- 003921.00135\US -- Notice of Appeal due - Last Day  
PDM JPI -- 004163.00144\US -- Foreign Filing Due  
WFR EAA INT -- 005745.01095\PCT -- Article 19 Amendment due  
CMI WJA -- 006119.00123\US -- Application due to be filed  
CMI WJA -- 006119.00150\WO -- File By Date  
WJF JMS INT -- 006539.00459\PCT -- Article 19 Amendment due  
JMP CRG GPD -- 006760.00143\US -- Application due to be filed (STAT BAR)  
JMP GDF GPD -- 006777.00258\US -- Application due to be filed (STAT BAR)  
JNB CRG -- 006814.00007\US -- Response to Office Action (LAST DAY) due  
JMP GDF -- 006838.00035\US -- Application due to be filed (STAT BAR)  
BJP HLJ -- 007131.00099\US -- Foreign filing convention deadline  
BJP HLJ -- 007131.00099\US -- Rescind Request for NonPublication  
BJP JMF -- 007131.00143\US -- Deadline to file Complete specification  
BJP JMF -- 007131.00143\US -- Foreign filing convention deadline  
MSC LAK TMC -- 007450.00002\US -- Last Day to Respond to TM Office Action  
MSC LAK TMC -- 007450.00003\US -- Last Day to Respond to TM Office Action  
RSK DGM DES -- 016089.01371\ID -- Assignment Due  
RSK DGM DES -- 016089.01371\ID -- Power of Attorney due  
RSK DGM DES -- 016089.01371\ID -- Priority Documents due  
DGM RSK DES -- 016089.01387\ID -- Assignment Due  
DGM RSK DES -- 016089.01387\ID -- Power of Attorney due  
DGM RSK DES -- 016089.01387\ID -- Priority Documents due  
DGM RSK DES -- 016089.01396\ID -- Assignment Due  
DGM RSK DES -- 016089.01396\ID -- Power of Attorney due  
DGM RSK DES -- 016089.01396\ID -- Priority Documents due  
JMS LMH INT -- 032441.00056\US -- FINAL Response/Notice of Appeal/RCE due (LAST DAY)

FINAL DEADLINES FOR 11/30/2008

FDW DGM -- 000777.00037\US -- File By Date